

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES WASHINGTON, JR.,)
)
 Plaintiff,)
)
 v.) No. 4:07CV01556 ERW
)
 JAMES HARTENBACH, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for reconsideration of the dismissal of his civil rights action.

Plaintiff brought this action, pursuant to 42 U.S.C. § 1983, against defendants: James Hartenbach (Judge, 21st Judicial Circuit), William J. Shaw (Director, Public Defender's Office), Shawn Goulet (Assistant Public Defender), Dennis Roach (same), Jeffrey Maassen (same), Patricia Tobias (Clerk of Court, 21st Judicial Circuit), and Sally Peat (Court Reporter, 21st Judicial Circuit). Plaintiff alleges that the public defender defendants were ineffective in dealing with the appeal from the denial of his motion for post-conviction relief, which was denied in 1989. Plaintiff further alleges that each of the other defendants conspired to cover up the ineffectiveness of the public defender defendants.

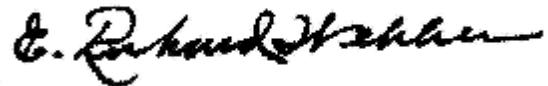
On November 2, 2007, the Court dismissed plaintiff's action for numerous reasons, not the least of which was because plaintiff's claims are time barred. See, e.g., Sulik v. Taney County, Mo., 393 F.3d 765, 767 (8th Cir. 2005); Mo. Rev. Stat. § 516.120. Despite the eighteen (18) years between the alleged ineffectiveness and/or conspiracy and the filing of the instant case, plaintiff asserts that the Court erred in finding this action untimely because he did not find out about the alleged conspiracy until "the filing of plaintiff's abandonment motions," on March 24, 2004. The problem with plaintiff's assertions is that his complaint and his motion for reconsideration lack any discussion of what precipitated this purported discovery and why it took him almost fifteen (15) years to allegedly discover the purported conspiracy when this Court denied his habeas petition (and noted the waiver/abandonment of several of his claims) on January 15, 1991. Without this discussion, plaintiff cannot show that his claim was timely filed. Plaintiff's attempts to argue for equitable tolling lack a similar foundation, as he has not provided any grounds for applying such tolling.

For these reasons alone, plaintiff's motion for reconsideration must be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration [Doc. #6] is **DENIED**.

So Ordered this 14th Day of January, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE